

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

PVP-Salem Associates, L.P.

v.

Civil No. 04-cv-386-JD

Parlex Corporation

PROCEDURAL ORDER

PVP-Salem Associates, a self-described "New Jersey limited partnership," Am. Compl. ¶ 1, has filed this action in this court asserting state-law claims against Parlex Corporation, a Massachusetts corporation with its principal place of business also in that state. PVP-Salem's amended complaint invokes this court's diversity jurisdiction, asserting that this action is "between citizens of different States." Id. ¶ 3. For purposes of diversity jurisdiction, however, a limited partnership is not a "citizen" of the state of its formation, but "of each state or foreign country of which any of its partners is a citizen." Grupo Dataflux v. Atlas Global Group, L.P., 541 U.S. 567, 569 (2004) (citing Carden v. Arcoma Assocs., 494 U.S. 185, 192-95 (1990)). This court has diversity jurisdiction over this matter, then, only if none of PVP-Salem's general or limited partners is, like Parlex, also a citizen of Massachusetts. Carden, 494 U.S. at 195-96. Furthermore, this court has the responsibility to ensure its own subject-matter jurisdiction over this case. E.g.,

Fafel v. Dipaola, 399 F.3d 403, 410 (1st Cir. 2005).

The amended complaint contains no allegations as to the citizenship of any of the partners of PVP-Salem. Accordingly, as the party bearing the burden of showing subject-matter jurisdiction, see, e.g., Garcia Perez v. Santaella, 364 F.3d 348, 351 (1st Cir. 2004), PVP-Salem shall file a second amended complaint setting forth the citizenship of each of its general and limited partners for that purpose by February 28, 2006. If PVP-Salem fails to do so, this case will be dismissed for lack of subject-matter jurisdiction on the face of the amended complaint.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

February 10, 2006

cc: Anthony S. Augeri, Esquire
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